

Patent Application No. 10/713,141
Amdt. date: February 23, 2005
Response to November 24, 2004, Office Action

REMARKS

In the Specification:

The informalities identified in the office action have been corrected consistent with the office action, with the exception of the objection to page 13, lines 11-15. With respect to this objection, applicants respectfully submit that the tube 120 could be mounted to the top rail. As noted later in that paragraph, the "tube 120 . . . directly may be mounted to one or both of the supports 16, 17, as well as or in lieu of, being mounted to top rail 15." FIG. 3 merely shows an embodiment where the tube is mounted to the supports 16, 17 in lieu of being mounted to the top rail 15.

In the Claims:

Claims 1-31 are pending in the application. Claims 18, 20, 23 and 25 are withdrawn from consideration, with the right to present the subject matter of these claims in this or a continuing application reserved. Claims 1, 29, 31 have been amended.

35 U.S.C. § 102(b) Rejections

Claims 1-15, 21, 22, 24, 26-29 and 31 stand rejected as being anticipated variously by U.S. Patents No. 5,290,086 to Tucker, No. 6,135,497 to Sutherland, and No. 2,710,058 to Gronlund et al. Applicants respectfully submit that the amendments to claims 1, 29 and 31 better distinguish over these references. Each of Tucker, Sutherland and Gronlund disclose a barrier that deploys to cover a portion of a window of a vehicle, the window being apart of a further structure, namely a door, that covers and impedes egress through the exit to the vehicle. The amendments make it clear that the vehicle's exit is open, and that the only structure impeding egress through the exit is the barrier. Accordingly, applicants respectfully submit that the rejected claims are in condition for allowance.

35 U.S.C. § 102(b) Rejections

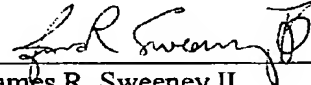
Claims 16, 17, 19 and 30 stand rejected as being unpatentable over Gronlund et al. in view of U.S. Patent Application No. 10/102,876 of Asano et al. Applicants respectfully submit that the amendments render these rejections moot. Moreover, applicants respectfully assert that a *prima facie* case of obviousness has not been made as the Office Action has provided no motivation for combining the references. Moreover, there is no motivation or suggestion in either reference for combining the references. Accordingly, applicants request that the obviousness rejections be reconsidered and withdrawn, in which case, applicants will rewrite as new independent claims the original claims 16 and 29, and the claims depending therefrom.

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No fees are thought due with this Amendment; however, the Commissioner is authorized to charge any fees, other than issue fees, or credit any overcharges to the undersigned counsel's deposit account 10-0435 with reference to our file 2835-73803. Applicant asks that the Examiner contact Applicant's counsel James R. Sweeney II (317-231-7771) should the Examiner have any further questions after review of the present Amendment.

Respectfully,

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